

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/995,715 12/22/97 GENNADIEVICH

I 0971/OD319

WM02/1221

EXAMINER

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NEW YORK NY 10022

BRIER, J

ART UNIT PAPER NUMBER

2672

17

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	08/995,715	GENNADIEVICH, IVANOV ANATOLY	
	Examiner Jeffery A. Brier	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 November 2000 .

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 25-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 25-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 February 2000 is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .

18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

19) Notice of Informal Patent Application (PTO-152)

20) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 11/10/2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/995,715 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Amendment***

2. The CPA at item 6 requested that the unentered 10/13/2000 amendment be entered. This amendment has been entered in response to this request.

### ***Drawings***

3. The drawings are objected to because:

The substitute drawings, figures 1-7, raise new matter issues since these drawings are different than the foreign priority document's drawings and the details of these drawings are not supported by the specification;

Substitute figure 6 has no detailed description, though, it does have a brief description; and

Figure 8 was not provided in the substitute drawings even though it is briefly described in the brief description of the drawings, however, a detailed description of this figure is not present in the detailed description of the drawings.

Correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 31 and 35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 31 and 35 claim "generating image having periodic functions used for image compression/decompression via orthogonal transformation". The originally filed specification did not describe this. Claims 31 and 35 further claim "wherein the procedure of image forming is performed at the same time as the procedure of compressing the data for the image". The originally filed specification did not describe this as well.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 28, 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28, at line 4, "parallel sharing raster forming beams" is indefinite.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 25, 26, 28-31, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Furness, III et al., U.S. Patent No. 5,467,104.

Figures 5-8 illustrate an LED or laser block display which forms the image with the use of deflectors. Figure 5-8 of Furness illustrates an embodiment that comprises: means for generating raster elements (200); a system for parallel multiplying of raster elements (figure 7 or 8); means for simultaneously transmitting said multiplied raster elements (figure 8); and an array of controllable modulators (200 ).

10. Claims 25-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pu et al, U.S. Patent No. 5,483,365.

Matrix display 50 forms a block of the image at any instant in time while the deflector 40 deflects different images formed over time by the matrix display 50 onto the hologram.

11. Claims 25, 26, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al., U.S. Patent No. 5,506,597.

Figure 6 of Thompson illustrates an embodiment that comprises: means for generating raster elements (316); a system for parallel multiplying of raster elements (330,340); means for simultaneously transmitting said multiplied raster elements (320, 330); and an array of controllable modulators (316 ).

#### ***Response to Arguments***

12. Applicant's arguments filed 10/16/2000 have been fully considered but they are not persuasive.

Applicant argues that page 23 line 16 to page 24 line 6 supports claims 31 and 35. A review of this portion of the specification does not find support for claims 31 and 35. Applicant further states that "a method for compression/decompression of numerical arrays forming an image by OT functions is in common use (e.g. JPEG procedure format used for images in personal computers)". Applicant cannot add to the specification that which was not conveyed to be in the specification. MPEP 2163.02. Even if the matter to be added is well known, it cannot be added to the specification if the specification did not convey with reasonable clarity that applicant had possession of the claimed invention. Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). In this application the specification did not convey that applicant had possession of claims 31 and 35.

Applicant argues that the drawings are used only to illustrate subject matter originally filed and hence does not raise any new matter. Applicants position is incorrect because much of the drawings submitted on 02/01/2000 are not illustrating subject matter originally filed but in fact are adding to the subject matter originally filed.

Applicant argues that applicants system does not use deflectors while the claims do not claim this feature of applicants invention. The claims cover systems using deflectors as well as systems not using deflectors. Thus, applicants argument is not persuasive.

The arguments against the Pu reference are similar to the arguments discussed above against Furness and are not persuasive for the same reason.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Jeffery A Brier  
Primary Examiner  
Art Unit 2672